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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,850	02/14/2001	Steven Mark Gebert	BLD920000048US1	9299
46919	7590	05/02/2005	EXAMINER	
KONRAD RAYNES & VICTOR, LLP. ATTN: IBM36 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,850

Applicant(s)

GEBERT ET AL.

Examiner

Joshua D Campbell

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-16,18-26,28-30,32-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14-16,18-26,28-30,32-40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination filed on 03/16/2005.

2. Claims 1, 2, 4-12, 14-16, 18-26, 28-30, 32-40, and 42 are pending in this case. Claims 1, 15, and 29 are independent claims. Claims 3, 13, 17, 27, 31, and 41 have been cancelled. Claims 1, 2, 11, 15, 16, 25, 29, 30, and 39 have been amended.

3. The rejection of claims 1-3, 5, 7-8, 10-17, 19, 21-22, 24-31, 33, 35-and 36, 38-42 under 35 U.S.C. 103(a) as being unpatentable over Rivette et al. (hereinafter Rivette, US Patent Number 6,018,749, issued on January 25, 2000) in view of Barry et al. (hereinafter Barry, US Patent Number 6,606,165, filed on January 8, 1999) has been withdrawn in view of amendments.

4. The rejection of claims 4, 6, 9, 18, 20, 23, 32, 34, and 37 under 35 U.S.C. 103(a) as being unpatentable over Rivette et al. (hereinafter Rivette, US Patent Number 6,018,749, issued on January 25, 2000) in view of Barry et al. (hereinafter Barry, US Patent Number 6,606,165, filed on January 8, 1999) as applied to claims 2, 15-16, and 31 above, and further in view of Sall (as found in the IDS - FOP: Formatting Object to PDF Translator (James Tauber, published in 1999) has been withdrawn in view of amendments.

Claim Objections

5. Claims 12, 26, and 40 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 2, 4, 8-12, 14-16, 18, 22-26, 28-30, 32, 36-40, and 42 rejected under 35 U.S.C. 102(a) as being anticipated by Adler et al. (hereinafter Adler, Extensible Stylesheet Language (XSL) Version 1.0, published on October 18, 2000).

Regarding independent claim 1 and dependent claim 12, Adler discloses a method in which a source document including source content is received in XML (pages 17-18, section 1.1 Processing a Stylesheet). Then, a layout data structure (XSL stylesheet) which provides formatting properties and is separate from the source document and does not contain source content is received (pages 17-18, section 1.1 Processing a Stylesheet). The two documents are processed together and to determine formatting, including page divisions, of the source content (pages 20-21, Section 1.1.2 Formatting and pages 25-27, Section 1.2.1 Paging and Scrolling and Section 1.2.3 An Extended Page Layout Model). Adler also discloses a method in which multiple page

objects are generated by filling the XML content into “containers”, each of the objects containing the content and the information required to format the content, at which point the “containers” are rasterized into page instances which are capable of being generated by an output device (pages 20-21, Section 1.1.2 Formatting and pages 25-27, Section 1.2.1 Paging and Scrolling and Section 1.2.3 An Extended Page Layout Model).

Regarding dependent claims 2 and 4, Adler also discloses a method in which the source document (XML) and the result document (XSL-FO) may be different formats, and the result document is formatted based on the layout data structure (XSL) (pages 17-18, section 1.1 Processing a Stylesheet and pages 20-21, Section 1.1.2 Formatting). Adler also discloses a method in which multiple page objects are generated by filling the XML content into “containers”, each of the objects containing the content and the information required to format the content, at which point the “containers” are rasterized into page instances which are capable of being generated by an output device (pages 20-21, Section 1.1.2 Formatting and pages 25-27, Section 1.2.1 Paging and Scrolling and Section 1.2.3 An Extended Page Layout Model).

Regarding dependent claims 8-10, Adler discloses a method in which page divisions may be presented in XSL-FO, which is a device independent language (pages 20-21, Section 1.1.2 Formatting and pages 25-27, Section 1.2.1 Paging and Scrolling and Section 1.2.3 An Extended Page Layout Model).

Regarding dependent claim 11, Adler discloses a method in which a page description language is used (pages 17-18, section 1.1 Processing a Stylesheet).

Regarding dependent claim 14, Adler discloses a method in which the source document does not indicate page divisions (pages 17-18, section 1.1 Processing a Stylesheet).

Regarding independent claim 15 and dependent claims 16, 18, 22-26, and 28, the claims incorporate substantially similar subject matter as claims 1, 2, 4, 8-12, and 14. Thus, the claims are rejected along the same rationale as claims 1, 2, 4, 8-12, and 14.

Regarding independent claim 29 and dependent claims 30, 32, 36-40, and 42, the claims incorporate substantially similar subject matter as claims 1, 2, 4, 8-12, and 14. Thus, the claims are rejected along the same rationale as claims 1, 2, 4, 8-12, and 14.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 5, 7, 19, 21, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. (hereinafter Adler, Extensible Stylesheet Language (XSL) Version 1.0, published on October 18, 2000) as applied to claims 2, 16, and 30 above, and further in view of Barry et al. (hereinafter Barry, US Patent Number 6,606,165, filed on January 8, 1999).

Regarding dependent claim 5, 7, 19, 21, 33, and 35, Adler does not disclose page objects which are in a third presentation language which is a page description

language. However, Barry discloses a method in which a document is split into multiple page objects that contain the source content and formatting for one page in a different page description language (image bit-map) (column 1, line 24- column 3, line 11 of Barry). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Adler with the method of Barry because it would have simplified the use of an output device to render a multi-paged document.

10. Claims 6, 20, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler et al. (hereinafter Adler, Extensible Stylesheet Language (XSL) Version 1.0, published on October 18, 2000) in view of Barry et al. (hereinafter Barry, US Patent Number 6,606,165, filed on January 8, 1999). as applied to claims 5, 19, and 33 above, and further in view of Sall (as found in the IDS - FOP: Formatting Object to PDF Translator (James Tauber, published in 1999).

Regarding dependent claims 6, 20, and 34, Adler also discloses a method in which the source document (XML) and the result document (XSL-FO) may be different formats, and the result document is formatted based on the layout data structure (XSL) (pages 17-18, section 1.1 Processing a Stylesheet and pages 20-21, Section 1.1.2 Formatting). Adler also discloses a method in which multiple page objects are generated by filling the XML content into "containers", each of the objects containing the content and the information required to format the content, at which point the "containers" are rasterized into page instances which are capable of being generated by

Art Unit: 2179

an output device (pages 20-21, Section 1.1.2 Formatting and pages 25-27, Section 1.2.1 Paging and Scrolling and Section 1.2.3 An Extended Page Layout Model). Adler does not disclose a method in which the language of the page objects is MO:DCA, a common presentation imaging language. However, Sall discloses a method in which an XML is converted to XSL-FO based on an XSL stylesheet, then based on XSL-FO convert the document to a PDF (pages 1-2 of Sall), which as defined in 1998 by McCalpin (page 3 of "Traditional Electronic Printing on the Internet") as being an common analogous presentation language to MO:DCA. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined Adler with methods taught by Sall because this method was noted to be a potential replacement for typical desktop published due to formatting advantages.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 2, 4-12, 14-16, 18-26, 28-30, 32-40, and 42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

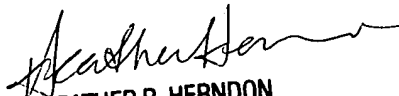
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone

Art Unit: 2179

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
April 26, 2005


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
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